

3761
#



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark S. FRANKE
Cynthia L. WYNGAARD
Heather S. MORTELL

Group No.: 3761

Serial No.: 10/027,235

Examiner:
Stephens, J.

Filing Date: 20 December 2001

Title: AESTHETICALLY IMPROVED SIDE
PANELS FOR DISPOSABLE GARMENTS
AND METHODS OF MAKING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

OCT 27 2003

TECHNOLOGY CENTER R3700

Dear Sir:

This communication is in response to the Office Action dated 16
September 2003.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

17 October 2003

17 Oct 03

Date

Eric Kruschka

Signature

Serial No.: 10/027,235

The Examiner requires Applicants to elect one of the following inventions pursuant to 35 U.S.C. § 121 for examination:

- I. Claims 1-17 drawn to an absorbent article, classified in class 604; and
- II. Claims 18-33, drawn to a method for forming a folded seam, classified in class 156.

Applicants hereby elect Group I, Claims 1-17 drawn to an absorbent article, for prosecution on the merits.

Further, the Examiner requires Applicants under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is fully held to be allowable. The Examiner alleges that this application contains claims directed to the following patentably distinct species of the claimed invention:

- I: the primary bond connects an inner surface of the first side panel to an inner surface of the second side panel;
- II: the primary bond connects an outer surface of the first side panel to an outer surface of the second side panel;
- III: the secondary bond connects an outer surface of the second side panel to an inner surface of the first side panel;
- IV: the secondary bond connects an inner surface of the second side panel to an inner surface of the first side panel; and
- V: the secondary bond connects an outer surface of the second side panel to an outer surface of the first side panel.

Applicants elect the single disclosed species of claimed invention I for prosecution on the merits. The Examiner has indicated that Claim 1 is currently

Serial No.: 10/027,235

generic. Original Claims 1, 2, 7-14 and 17, and new Claims 34-52, as added to the subject U.S. Patent Application by Preliminary Amendment filed herewith, are readable thereon. Original Claims 3-6, 15, 16 and 18-33 have been withdrawn.

Respectfully submitted,

Eric Krischke

Eric T. Krischke
Reg. No. 42,769

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403